UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,858	12/27/2001	Steven Barritz	P/3704-7	1455

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EXAMINER
ABEL JALIL, NEVEEN

ART UNIT	PAPER NUMBER
2165	

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _06 December 2004_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
     closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-35_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-35_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Remarks

1.   The amendment filed on December 6, 2004 has been received and entered. Claims 1-35

are pending.

2.   The amended drawings filed on December 6, 2004 have been received and accepted.

3.   The amendment to the disclosure has been received and entered.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   Claims 1-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krellenstein

(U.S. Patent No. 5,924,090) in view of Epstein (U.S. Pub. No. 2004/0049738 A1).

        As to claim 1, Krellenstein discloses an interactive system for enhancing the searchability

of data (See Krellenstein abstract), the system comprising:

        a categorization system that associates search terms defining categories or attributes with

items to be found (See Krellenstein column 3, lines 11-32, also see abstract);

a communication system for communicating with the categorization system and with a

store of information from which information is to be selected based on the search terms (See

Krellenstein column 5, lines 55-67, and see Krellenstein column 6, lines 1-7, also see

Krellenstein abstract); and

a cooperative facility associated with the categorization system that enables users to

interactively and at least partially automatically, modify or supplement the search terms initially

assigned to the items to be found by the categorization system (See Krellenstein column 5, lines

4-41).

Krellenstein does not teach including listers and searchers;

wherein the categorization system, communication system and cooperative facility are

structured to store the modified or supplemented search terms.

Epstein teaches including listers and searchers (See Epstein page 5, paragraphs 0049-

0052, wherein "listers and searchers" reads on "authorized contributors", and see Epstein page 4,

paragraph 0043);

wherein the categorization system, communication system and cooperative facility are

structured to store the modified or supplemented search terms (See Epstein page 6, paragraphs

0064-0065, also see Epstein page 5, paragraphs 0055-0057).

Therefore, it would have been obvious to a person having ordinary skill in the art at the

time of the invention was made to have modified Krellenstein to include listers and searchers;

wherein the categorization system, communication system and cooperative facility are structured

to store the modified or supplemented search terms.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to have modified Krellenstein by the teaching of Epstein to include listers and

searchers; wherein the categorization system, communication system and cooperative facility are

structured to store the modified or supplemented search terms because it provides for

decentralized administration system of records management allowing for reduced business costs

and more accurate information storage (See Epstein page 2, paragraphs 0011-0012).

As to claim 2, Krellenstein as modified discloses in which the store of information is

accessible via the Internet (See Krellenstein abstract, also see Krellenstein column 2, lines 52-

65).

As to claims 3, and 19, Krellenstein as modified discloses in which the categorization

system enables assigning search terms that are hierarchical and enables assigning search terms

that are based on items to be found (See Krellenstein column 6, lines 25-65).

As to claims 4, and 20, Krellenstein as modified discloses in which the cooperative

facility is accessible to the users and the users comprise listers of information and/or end

searchers which search for the information (See Krellenstein column 5, lines 55-67, wherein

"end searches" reads on "user", and see Krellenstein column 9, lines 33-55, wherein "listers"

reads on "manually constructed", and see Krellenstein column 2, lines 38-49).

As to claims 5, and 21, <u>Krellenstein</u> as modified discloses in which the search terms comprise categories of items to be found that are arranged hierarchically and attributes of items defined descriptively and the categorization and attribute information is stored in a categorization and attribute database (See <u>Krellenstein</u> column 6, lines 25-65).

As to claims 6, and 22, <u>Krellenstein</u> as modified discloses including a facility that dynamically enables a lister of items in the store of information to use existing categorization and attribute data and to add additional categories via the cooperative facility (See <u>Krellenstein</u> column 2, lines 37-67).

As to claims 7, and 23, <u>Krellenstein</u> as modified discloses including a facility that dynamically enables at least one searcher of items in the store of information to use existing categorization and attribute data and to add additional attributes via the cooperative facility (See <u>Krellenstein</u> column 5, lines 55-67, also see <u>Krellenstein</u> column 6, lines 1-26).

As to claim 8, <u>Krellenstein</u> as modified discloses including a facility that is operable in conjunction with the cooperative facility to limit the number of attributes displayed to users upon their initial viewing of available attributes (See <u>Krellenstein</u> column 6, lines 8-16, also see <u>Krellenstein</u> abstract, also see <u>Krellenstein</u> column 2, lines 52-65).

As to claim 9, <u>Krellenstein</u> as modified discloses in which the number of displayed attributes is less than 30 (See <u>Krellenstein</u> column 6, lines 1-65, wherein "displayed attributes is

less than 30" reads on "until the number of relevant records drops to a predetermined threshold

(e.g. 20)" therefore, the predetermined threshold could by specified by any number including less

than 30).

As to claim 10, Krellenstein as modified discloses in which the displayed attributes are

selected based on the greatest number of items under a current category (See Krellenstein

column 6, lines 1-65).

As to claims 14, and 24, Krellenstein as modified discloses including a facility that

groups together those attributes that are related to one another (See Krellenstein column 8, lines

56-65, also see Krellenstein column 6, lines 49-65, also see Krellenstein column 3, lines 17-32).

As to claims 15, and 25, Krellenstein as modified discloses including a facility that

enable searchers to specify attribute selections by entry of a plurality of terms connected by

Boolean expressions (See Krellenstein column 6, lines 1-65, wherein "Boolean expressions"

reads on "AND'd").

As to claims 16, and 26, Krellenstein as modified discloses wherein the cooperative

facility includes a secondary facility that imposes limitations on types of attributes permitted to

be added to the database holding the attributes (See Krellenstein column 6, lines 8-24, and see

Krellenstein column 8, lines 56-67, and see Krellenstein column 9, lines 33-63).

As to claims 17, and 27, <u>Krellenstein</u> as modified discloses in which the cooperative

facility includes a subsidiary facility that removes redundancies in categorization and attribute

search terms (See <u>Krellenstein</u> column 5, lines 30-41, also see <u>Krellenstein</u> column 6, lines 1-24,

wherein "removing redundancies" reads on "refining").

As to claims 18, and 28, <u>Krellenstein</u> as modified discloses wherein the cooperative

facility includes an intelligent restructuring of categories and attributes facility that iteratively

reviews the categorization and attribute data to maintain hierarchies that maximize the degree of

convergence achieved by a selection at each category level (See <u>Krellenstein</u> column 6, lines 25-

65).

As to claims 21, 31, and 35, <u>Krellenstein</u> as modified discloses in combination with an

automatic clustering facility that minimizes the need of a search engine user to successively

refine search terms in a manual fashion, by monitoring which particular result-items a user has

historically chosen to visit (See <u>Krellenstein</u> column 5, lines 4-67, and see <u>Krellenstein</u> column

6, lines 1-16).

As to claim 30, <u>Krellenstein</u> discloses a method for searching for data items in a data

store, the method comprising the steps of:

operating a computer-based communication system that effects communications between

a plurality of data searchers and the data store containing the data items (See <u>Krellenstein</u>

column 2, lines 52-67, and see <u>Krellenstein</u> column 3, lines 1-10);

operating a search engine that enables the data searchers to enter initial key words

describing data items to be found (See Krellenstein column 9, lines 40-63);

receiving selected data items that are responsive to the initial key words in a given order

of items, organized into successive viewable pages (See Krellenstein column 5, lines 4-29, **also**

see column ;

initiating a manual review of the received selected data items (See Krellenstein column 3,

lines 63-67, and see Krellenstein column 4, lines 1-6); and

operating an automatic clustering tool that is responsive to the items manually perused by

the data searcher (See Krellenstein column 5, lines 30-67, also see Krellenstein column 9, lines

33-49), including items not reviewed by the data searcher, the automatic clustering tool

responding to action by user by interactively creating categorization criteria by which at least a

portion of the received selected data items are reordered or filtered for being viewed by the data

searcher (See Krellenstein column 5, lines 30-67, wherein "reordered or filtered for being viewed

by the data searcher" reads on the search processor searched the database and generates another

search result corresponding to the refined set of records"), and/or by which a further search is

performed and results are based thereon (See Krellenstein column 5, lines 30-41, also see

Krellenstein column 6, lines 1-24, wherein "further search" reads on "refining" indicating that

based on the searcher's action by editing the text of the query, the automatic clustering

mechanism uses iterative means present the user with narrower results).

Krellenstein does not teach storing categorization criteria;

including listers and searchers.

Epstein teaches including storing categorization criteria (See Epstein page 6, paragraphs 0064-0065, also see Epstein page 5, paragraphs 0055-0057);

including listers and searchers (See Epstein page 5, paragraphs 0049-0052, wherein "listers and searchers" reads on "authorized contributors", and see Epstein page 4, paragraph 0043).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Krellenstein to include storing categorization criteria; including listers and searchers.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Krellenstein by the teaching of Epstein to include storing categorization criteria; including listers and searchers because it provides for decentralized administration system of records management allowing for reduced business costs and more accurate information storage (See Epstein page 2, paragraphs 0011-0012).

As to claim 32, Krellenstein as modified discloses in which the automatic clustering tool constantly revises the categorization criteria in response to continuous reviewing of the selected data items by the data searcher (See Krellenstein column 5, lines 4-41).

As to claim 33, Krellenstein as modified discloses in which the automatic clustering tool is responsive to a given data searcher's reviewing activity over a period of time (See Krellenstein column 5, lines 55-67, and see Krellenstein column 6, lines 1-7, also see Krellenstein column 4,

lines 1-6).

As to claim 34, <u>Krellenstein</u> as modified discloses in which the automatic clustering tool

eliminates selected data items from being viewed by the data searcher, based on the successively

created categorization criteria (See <u>Krellenstein</u> column 5, lines 30-41, also see <u>Krellenstein</u>

column 6, lines 1-24, wherein "removing redundancies" reads on "refining").

6.   Claims 11-13, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over

<u>Krellenstein</u> (U.S. Patent No. 5,924,090) in view of <u>Epstein</u> (U.S. Pub. No. 2004/0049738 A1),

and further in view of <u>Mockett et al.</u> (U.S. Pub. No. 2001/0037359 A1).

As to claim 11, <u>Krellenstein</u> as modified still does not teach in which the displayed

attributes are selected based on prior searchers' activities.

<u>Mockett et al.</u> teaches in which the displayed attributes are selected based on prior

searchers' activities (See <u>Mockett et al.</u> page 1, paragraphs 0005, also see <u>Mockett et al.</u> page 3,

paragraph 0028, wherein "attribute search terms by prior searchers" is shown by <u>Mockett et al.</u>

"using the user's profile stored in the database of prior search or subjective rating is correlated

with content attributes and sent to central server for storage").

Therefore, it would have been obvious to a person having ordinary skill in the art at the

time of the invention was made to have further modified <u>Krellenstein</u> as modified to include in

which the displayed attributes are selected based on prior searchers' activities.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Krellenstein as modified by the teaching of Mockett et al. to include in which the displayed attributes are selected based on prior searchers' activities because it allows for customized information gathering and delivery or presentation to the user (See Mockett et al. paragraph 0005).

As to claim 12, Krellenstein as modified still does not teach wherein displayed attributes are selected based on a current searcher's search history.

Mockett et al. teaches wherein displayed attributes are selected based on a current searcher's search history (See Mockett et al. page 5, paragraphs 0045-0046, also see Mockett et al. page 6, paragraph 0057).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have further modified Krellenstein as modified to include wherein displayed attributes are selected based on a current searcher's search history.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Krellenstein as modified by the teaching of Mockett et al. to include wherein displayed attributes are selected based on a current searcher's search history because it allows for customized information gathering and delivery or presentation to the user (See Mockett et al. paragraph 0005).

As to claim 13, and 29, Krellenstein as modified still dose not teach in which displayed attributes are ordered based on aggregate use of attribute search terms by prior searchers.

Mockett et al. teaches in which displayed attributes are ordered based on aggregate use of

attribute search terms by prior searchers (See Mockett et al. page 5, paragraphs 0045-0046, also

see Mockett et al. page 6, paragraph 0057).

Therefore, it would have been obvious to a person having ordinary skill in the art at the

time of the invention was made to have further modified Krellenstein as modified to include in

which displayed attributes are ordered based on aggregate use of attribute search terms by prior

searchers.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to have further modified Krellenstein as modified by the teaching of Mockett et al. to

include in which displayed attributes are ordered based on aggregate use of attribute search terms

by prior searchers because it allows for customized information gathering and delivery or

presentation to the user (See Mockett et al. paragraph 0005).

Response to Arguments

7.   Applicant's arguments with respect to claims 1-35 have been considered but are moot in

view of the new ground(s) of rejection.

Conclusion

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074.

The examiner can normally be reached on 8:30AM-5: 30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Dov Popovici can be reached on 571-272-4038. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Neveen Abel-Jalil

April 13, 2005

SAM RIMELL
PRIMARY EXAMINER